



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Avi Penner, et al

Serial No.: 09/989,912

Filed: November 19, 2001

For: SYSTEMS AND METHODS FOR

COMMUNICATING WITH IMPLANTABLE DEVICES

Group Art Unit: 3762

Confirmation No.: 1805

Examiner: Carl H. L'ayno

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office amendment to the 37 CFR § 1.98(a)(2)(i) that eliminates the requirement for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application. Copies are not enclosed since each item was submitted or cited in parent application (Serial No. 09/690,615, now Pat. No. 6,628,989).

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

Information Disclosure Statement Filing Provision:

\boxtimes		OS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1)
		onths of the filing date of the application, which is not a continued prosecution application
		.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § efore the mailing of a first Office action on the merits; or (4) before the mailing of a first
	` '	fter filing a request for continued examination under § 1.114. Thus, no fee is required.
0 22.00		However, if the undersigned is in error in this regard, Applicant respectfully requests
		that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR §1.17(p) to the deposit account referenced below.
		However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
on the § 1.311	merits, l	OS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action out before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR
3 - 1 - 1		The fee due under 37 CFR § 1.17(p) is submitted herewith.
		A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
-	or a No	OS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR otice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A or 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted
herewi		
	To al. 34	STATEMENT UNDER 37 CFR § 1.97(e): em contained in this IDS was first cited in any communication from a foreign patent office
in a co	-	t foreign application not more than three months prior to the filing of this IDS.
		n contained in this IDS was cited in a communication from a foreign patent office in a
	_	eign application, and, to the knowledge of the person signing this statement after making
reasona	able inq	uiry, no item of information contained in this IDS was known to any individual designated
in 37 C	ČFR§1.	56(c) more than three months prior to the filing of this IDS.

	PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:						
	A check in the amount of is enclosed for the above fee(s).						
	Please charge to Deposit Account No. 50-2518 for the above fee(s).						
\boxtimes	Although applicant believes no fee is required, the Commissioner is authorized to charge	ge any fees					
	required by the filing of these papers, and to credit any overpayment to Bingham McCu	ıtchen's					
	Deposit Account No. 50-2518.						
	Respectfully submitted,						
	BINGHAM McCUTCHEN LLE	•					
Dated:	ed: June 10, 2005 By: David T. Burse Reg. No. 37,104	·					

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 (650) 849-4400

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SUPPLEMENTAL
INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known				
Application Number	09/989,912			
Filing Date	November 19, 2001			
First Named Inventor	Avi Penner, et al			
Group Art Unit	3762			
Examiner Name	Carl H. Layno			
Attorney Docket Number	50-7015285001 (262/229)			

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No.1	Number Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	2,786,899	Carlisle, et al	03-26-1957	
	2	3,672,352	Summers	06-27-1972	
	3	3,970,987	Kolm	07-20-1976	
	4	4,041,954	Ohara	08-16-1977	
	5	4,099,530	Chen, et al	07-11-1978	
	6	4,481,950	Duggan	11-13-1984	
	7	4,616,640	Kaali et al	10-14-1986	
	8	6,162,238	Kaplan et al	12-19-2000	•
	9	6,764,446	Wolinsky	07-20-2004	
	<u> </u>				

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.1	For Office ³	eign Patent Do	Kind Code ⁵ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ₆
	10	wo	00/47109		Cygnus, Inc.	08-17-2000		

Examiner Signature	 Date Considered	

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁸ Applicant is to place a check mark hee if English language Translation is attached.